

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NGM INSURANCE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL CAUSE NO. SA-19-CA-221-FB
	§	
BENCHMARK UTILITY CONTRACTORS,	§	
INC., BENCHMARK FARMS AND	§	
RANCHES, INC.; DANIEC LAND &	§	
CATTLE, INC.; and PAUL A. DANIEC,	§	
	§	
Defendants,	§	
	§	
VS.	§	
	§	
THE CITY OF PLEASANTON, TEXAS,	§	
	§	
Third-Party Defendant.	§	


ORDER OF DISMISSAL WITH PREJUDICE AND FINAL JUDGMENT

Before the Court is the Stipulation of Dismissal filed by all the parties on May 26, 2020 (docket #56). The parties held a mediation on February 24, 2020, and entered into a Mediated Settlement Agreement which was filed with the Stipulation of Dismissal as Exhibit A. The parties have stipulated and agreed to the dismissal of this lawsuit subsequent to the Court's entry of the Agreed Judgment entered into by and between NGM and Benchmark. That Agreed Judgment was entered by the Court on July 9, 2020 (docket #57). In addition, the parties have executed a Final Settlement and Release Agreement attached to the Stipulation as Exhibit C. Accordingly, the parties now request the Court to issue an order dismissing the claims against the City and Benchmark with prejudice in accordance with this stipulation, and that each party bear its own costs and attorneys' fees. The City, NGM and Benchmark all concur that all pending motions and other matters currently pending before the Court should be denied as moot. The Court finds the request for dismissal has merit and should be granted.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that this case is DISMISSED WITH PREJUDICE in accordance with the Stipulation of Dismissal filed on May 26, 2020 (docket #56), with costs and attorneys' fees to be borne by the party incurring same. Motions pending, if any, are also DISMISSED, and this case is now CLOSED.

It is so ORDERED.

SIGNED this 10th day of July, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE